

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.457 OF 2007

IN

CRIMINAL APPEAL NO.833 OF 2005

Louis Anthony Lobo : Applicant.

versus

The State of Maharashtra : Respondent

Mr.A Majeed Memon for the applicant.

Mr.P.A.Pol, APP, for the State.

CORAM : D.G.DESHPANDE

SMT.NISHITA MHATRE, JJ.

DATED : JUNE 25, 2007.

P.C.

1. Heard learned advocate Mr.Memon for the applicant/original accused No.1 and learned APP for the State. This is an application for bail. The accused is found guilty under Section 302 for committing murder of a lady with whom he was

staying as a paying guest. There are no eye witnesses, no direct evidence, because this case is based on circumstantial evidence. The first circumstance against the applicant/accused is that a golden chain with cross was found in possession of the applicant/accused and, the second circumstance is that some bruises on his body. The explanation of the accused regarding the golden chain was that his wife was Christian and it was her chain and, about the bruises, the explanation was that he fell from the motor cycle and got those bruises. Apart from this, the applicant/accused was on bail during trial for about 16 years.

2. The learned APP, upon instructions of the officer PSI - Sunil Chandgude of SB-I, CID, States that the accused is a wanted accused in a case at Goa and, if he is released on bail, it will be difficult for them to catch hold of him again. He also states that the applicant/accused is in custody in that case at Goa. In view of this statement, it is necessary to protect the interest of the prosecution in the case so far as it relates to custody in Goa Case. So far as this case is concerned, he is entitled for bail.

Hence this application is allowed. The applicant/accused be released on bail on executing his P.R. bond of Rs.7,500/- with one or two solvent sureties in the like amount. However, even if he furnishes a surety, he will not be set free unless he gets separate bail order in the case from which he was arrested or taken in custody in Goa. This application is disposed off.

[SMT.NISHITA MHATRE, J]

[D.G.DESHPANDE, J]